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Bib Data Sheet

CONFIRMATION NO. 6716

<b>SERIAL NUMBER</b> 10/644,692	<b>FILING OR 371(c) DATE</b> 08/20/2003 <b>RULE</b>	<b>CLASS</b> 709	<b>GROUP ART UNIT</b> 2157	<b>ATTORNEY DOCKET NO.</b> 08204/1200311-US2
<b>APPLICANTS</b> Paul Szabo, Seattle, WA; David D. Schmitt, Seattle, WA; Ning X. Li, Sequim, WA;				
<b>** CONTINUING DATA *****</b> This application is a CIP of 10/119,433 04/09/2002 which claims benefit of 60/293,466 05/24/2001				
<b>** FOREIGN APPLICATIONS *****</b>				
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED</b> <b>** 11/13/2003</b>				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged		<b>STATE OR COUNTRY</b> WA	<b>SHEETS DRAWING</b> 9	<b>TOTAL CLAIMS</b> 33
Examiner's Signature _____ Initials _____		<b>INDEPENDENT CLAIMS</b> 6		
<b>ADDRESS</b> 38878				
<b>TITLE</b> Method and system for scaling network traffic managers				
<b>FILING FEE RECEIVED</b> 1236	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

Nonpub request filed

Application No. 10/644,692  
Amendment dated April 18, 2006  
First Preliminary Amendment

2

Docket No.: 08204/1200311-US2/10.035C2

**AMENDMENTS TO THE SPECIFICATION**

On page 1, please amend the specification by inserting the following paragraph after the Title:

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/119,433, filed April 9, 2002, which claims the benefit of priority under 35 U.S.C § 119(e) from U.S. Provisional Application Serial No. 60/293,466, filed May 24, 2001, entitled "Method and System for Distributing Traffic to Multiple Load Balancers," the benefit of each is further claimed herein.

1. 78 (a)(3) and (a)(6) ??

ck get -

1) stmt ✓

2) fee ✓



4-20-06

AK  
JFW  
\$

Docket No.: 08204/1200311-US2/10.035C2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul Szabo et al.

Application No.: 10/644,692

Confirmation No.: 6716

Filed: August 20, 2003

Art Unit: 2157

For: METHOD AND SYSTEM FOR SCALING  
NETWORK TRAFFIC MANAGERS

Examiner: Ario Etienne

**PETITION UNDER 37 C.F.R. § 1.78(A)(3) FOR UNINTENTIONALLY DELAYED CLAIM  
UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim for benefit of priority in this application.

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/119,433, filed April 9, 2002 (which was co-pending with the present application when filed), which claimed the benefit of priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Serial No. 60/293,466, filed May 24, 2001. The specification and Application Data Sheet inadvertently and unknown to Applicant or his attorneys failed to refer to the direct parent applications, Serial No's.

10/119,433 and its Provisional 60/293,466.

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1370.00 OP

{S:\08204\1200311US2\80058357.DOC #####}

Applicant therefore petitions the Commissioner to accept his claim for the benefit of Serial No. 10/119,433 and its Provisional 60/293,466. The entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date of this petition was unintentional.


This petition is accompanied by the following:

1. Surcharge under 37 C.F.R. § 1.17(t) in the amount of \$1370.00; and
2. The reference required by 35 U.S.C. § 120, 35 U.S.C. § 119 and 37 C.F.R. § 1.78(a)(2), in the form of an amendment amending the first sentence of the specification following the title to include a reference to the prior-filed applications Serial No's. 10/119,433 and 60/293,466, and also a Supplemental Application Data Sheet.

Applicant submits that all the requirements of 37 C.F.R. § 1.78(a)(3) are satisfied, and the Commissioner is respectfully requested to grant this Petition.

Dated: April 18, 2006

Respectfully submitted,

By   
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Application number::	<u>10/644,692</u>
Filing Date::	<u>08/20/03</u>
Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	<u>2157</u>
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	METHOD AND SYSTEM FOR SCALING NETWORK TRAFFIC MANAGERS
Attorney Docket Number::	<u>08204/1200311-US2/10.035C2</u>
Request for Early Publication?::	No
Request for Non-Publication?::	Yes
Total Drawing Sheets::	9
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

<b>Applicant Authority Type::</b>	<b>Inventor</b>
<b>Primary Citizenship Country::</b>	<b>US</b>
<b>Status::</b>	<b>Full Capacity</b>
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<b>Family Name::</b>	<b>Szabo</b>
<b>City of Residence::</b>	<b>Seattle</b>
<b>State or Province of Residence::</b>	<b>WA</b>

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State or Province of Residence:: WA  
Country of Residence:: US



**METHOD AND SYSTEM FOR SCALING NETWORK TRAFFIC MANAGERS**

**Field of the Invention**

The present invention relates to computer network traffic, and in particular to  
5 distributing network traffic associated with traffic management devices.

**Background**

The Internet's core bandwidth continues to double every year. Some of  
this additional bandwidth is consumed as more and more users access the Internet.  
Other additional bandwidth is consumed as existing users increase their use of the  
10 Internet. This increase of Internet use translates into an increase in traffic directed to  
and from World Wide Web (WWW) servers and other Internet servers.

Replacing a WWW server with a WWW server of twice the capacity is a  
costly undertaking. Adding additional WWW servers is less costly but generally  
requires a load-balancing mechanism to balance workload so that each virtual server  
15 performs work proportional to its capacity and the number of servers available to the  
traffic management device that is performing the load balancing.

This requirement for more sophisticated traffic management requires  
more processing. With a sufficient rate of requests, eventually a traffic management  
device may not be able to process traffic in a timely manner. Therefore, it is with  
20 respect to these considerations and others that the present invention has been made.

**Brief Description of the Drawings**

Non-limiting and non-exhaustive embodiments of the present invention  
are described with reference to the following drawings. In the drawings, like reference  
numerals refer to like parts throughout the various figures unless otherwise specified.

25 For a better understanding of the present invention, reference will be  
made to the following Detailed Description of the Invention, which is to be read in  
association with the accompanying drawings, wherein:



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/644,692	08/20/2003	2141	1236	50002.0035US11	9	33	6

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

**CONFIRMATION NO. 6716**

## FILING RECEIPT



\*OC000000011266311\*

Date Mailed: 11/14/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

### Applicant(s)

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David D. Schmitt, Seattle, WA;  
Ning X. Li, Sequim, WA;

### Assignment For Published Patent Application

F5 Networks, Inc., Seattle, WA;

### Domestic Priority data as claimed by applicant

### Foreign Applications

If Required, Foreign Filing License Granted: 11/13/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

### Title

Method and system for scaling network traffic managers

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

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